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BELL, BOYD & LLOYD LLP  
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EXAMINER
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RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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## Office Action Summary

**Application No.**

10/661,396

**Applicant(s)**

HEDRICK ET AL.

**Examiner**

Alex P. Rada

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) 41-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 and 63-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

In response to the amendment filed November 13, 2006 in which the applicant amends claims 1, 4-5, 12, 21, 36, 63-66 and claims 1-68 are pending in this application.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed does not disclose nor teach a rigid housing defining a U-shaped cavity therein and an elastomeric cover substantially disposed in the U-shaped cavity of the housing. The examiner request applicant to point out in the specification as originally filed the claimed limitation.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-20 and 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell (US Pub. 2004/0140617) in view of Takano et al. (US 5,382,767).

5. Cordell discloses the following:

A cabinet (figure 1), a game operable upon a wager (paragraph 0014), a processor operable to control the game (within gaming machine 12), and a switch connected extendably to the cabinet, in which the examiner interprets the remote controller to be an equivalent to a switch connected extendably to the cabinet (figure 1), and the switch operable with the processor to control a function of the game (summary) as recited in claim 1.

The switch is of a type selected from the group consisting of: maintained, momentary and multi-position, in which the examiner interprets the buttons on the remote control to be an equivalent to the switch is of a type selected from the group consisting of: maintained, momentary and multi-position as recited in claim 2.

The switch includes multiple buttons that operate multiple functions of the game, in which the examiner interprets the remote control (90) to be an equivalent to the switch includes multiple buttons that operate multiple functions of the game as recited in claim 3.

The function is selected from the group consisting of: a play function, a bet increment function, a max-bet function, a repeat the bet function, and a cash out function (paragraph 0028) as recited in claim 9.

A game operable upon a wager (paragraph 0014), a processor operable to control a game (within gaming machine 12), a cabinet (figure 1),

and an extendable switch connected to the cabinet and in communication with the processor through a connecting cord, in which the examiner interprets the remote controller to be an equivalent to an extendable switch connected to the cabinet and in communication with the processor through a connecting cord in position with respect to a portion of the cord (figures 1 and 3-4) as recited in claim 12.

The cord is a flexible cord (92 of figures 1-2) as recited in claim 13.

A strain relief wire positioned inside the cord to prevent the cord from unduly stretching, in which the examiner interprets the metal braided cable to be an equivalent to a strain relief (paragraph 0029 and figure 2) as recited in claim 14.

The switch is a play button or a bet button (paragraph 0028) as recited in claim 15.

The extendable switch is also retractable via a spring housed inside the cabinet (figures 1-2 and paragraphs 0031-0032) as recited in claim 19.

The spring loaded switch can be set at least one extended position via a ratcheting mechanism, in which the examiner interprets the braking device (100) to be an equivalent to the spring loaded switch can be set at least one extended position via a ratcheting mechanism (paragraph 0032) as recited in claim 20.

A game controlled by the at least one processor (paragraph 0025) and operable upon a wager (paragraph 0014 and 0032), a cabinet (figure 1), and an extendable switch connected to the cabinet and in communication with

the at least one processor through a connecting cord, in which the examiner interprets the remote controller (14) to be an equivalent to an extendable switch connected to the cabinet and in communication with the at least one processor through a connecting cord (figures 1-2), the extendable switch including first and second housing portions (item 90 and 92 of figure 2), wherein the first housing portion includes a first rigid material adhered to a relatively elastomeric material in position with respect to a portion of the cord, in which the examiner interprets the flexible connector tethers the retractable remote controller to be an equivalent to wherein the first housing portion includes a first rigid material adhered to a relatively elastomeric material in position with respect to a portion of the cord (paragraph 0029) and wherein the second housing portion includes a second rigid material positioned in substantially surrounding relationship with a different portion of the cord, in which the examiner interprets the steel braided cable (92) to be equivalent to wherein the second housing portion includes a second rigid material positioned in substantially surrounding relationship with a different portion of the cord as recited in claim 63.

A game controlled by the at least one processor (paragraph 0025) and operable upon a wager (paragraph 0014 and 0032), a cabinet (figure 1), and an extendable switch connected to the cabinet and operable with the at least one processor through a connecting cord to control a function of the game, in which the examiner interprets the remote controller (14) to be an equivalent to an extendable switch connected to the cabinet and operable

with the at least one processor through a connecting cord to control a function of the game (summary and figures 1-2), the extendable switch including a first material adhered to a second material in position with respect to a portion of the cord, wherein the first and second materials are simultaneously engageable by a person during operation of the extendable switch, in which the examiner interprets the flexible connector (90) that tethers the retractable remote controller (14) to a braided cable (92) to be an equivalent to the extendable switch including a first material adhered to a second material in position with respect to a portion of the cord, wherein the first and second materials are simultaneously engageable by a person during operation of the extendable switch as recited in claim 64.

Cordell does not expressly disclose the following:

The switch having a relatively rigid housing defining a *U-shaped cavity* therein and a relatively elastomeric cover *substantially* disposed in the *U-shaped cavity* of the housing as recited in claim 1.

The elastomeric cover is adhered to the recessed portion of the housing as recited in claim 4.

The recessed portion of the housing mechanically holds the cover in place as recited in claim 5.

The housing includes a multi-piece housing having multiple pieces as recited in claim 6.

The pieces are molded separately and wherein one of the pieces is co-molded with the cover as recited in claim 7.

The multiple pieces each mechanically hold the cover in place as recited in claim 8.

The elastomeric cover is molded to the rigid housing after the housing has cured as recited in claim 10.

The elastomeric cover and housing are simultaneously cured as recited in claim 11.

A first co-molded material adhered to multiple surfaces of a second co-molded material *in a substantially surrounding relationship with a portion of the cord* as recited in claim 12.

The second material includes an elastomeric cover that is molded to the rigid housing after the first material has cured as recited in claim 16.

The first material is a rigid material selected from a group consisting of urethane, plastic, polyvinyl chloride, polyvinyl acetate and acrylic as recited in claim 17.

The second material is a flexible material selected from a group consisting of synthetic rubber, natural rubber and foam products as recited in claim 18.

The extendable switch including first and second housing portions, wherein the first housing portion includes a first rigid material adhered to a relatively elastomeric material in position with respect to a portion of the cord and wherein the second housing portion includes a second rigid material positioned in substantially surrounding relationship with a different portion of the cord as recited in claim 63.



Takano et al teaches the following:

The switch having a relatively rigid housing defining a *U-shaped cavity* therein (figures 11-12 and col. 4, lines 3-63; where the switch having a U-shaped cavity is shown) and a relatively elastomeric cover disposed in the *U-shaped cavity* of the housing (figures 11-12 and col. 4, lines 3-63) as recited in claim 1.

The elastomeric cover is adhered to the U-shaped cavity of the housing (figures 2-3, 6-7 and 10-12) as recited in claim 4.

The U-shaped cavity of the housing mechanically holds the cover in place (figures 2-3, 6-7 and 10-12) as recited in claim 5.

The housing includes a multi-piece housing having multiple pieces (figures 2-3, 6-7 and 10-12) as recited in claim 6.

The pieces are molded separately and wherein one of the pieces is co-molded with the cover (figures 2-3, 6-7 and 10-12) as recited in claim 7.

The multiple pieces each mechanically hold the cover in place (figures 2-3, 6-7 and 10-12) as recited in claim 8.

The elastomeric cover is molded to the rigid housing after the housing is cured, in which the examiner interprets the resilient elastomeric cap (24) attached to the upper collar to be an equivalent to the elastomeric cover is molded to the rigid housing after the housing is cured (figure 1 and col. 4, lines 3-63) as recited in claim 10.

The elastomeric cover and housing are simultaneously cured, in which the examiner interprets the resilient elastomeric cap (24) attached to the upper collar capable of being simultaneously cured as recited in claim 11.

A first co-molded material adhered to multiple surfaces of a second co-molded material, in which the examiner interprets the housing 20 with the upper collar flange to be first co-molded material and the resilient elastomeric cap attached to the upper collar flange to be equivalent to the a second co-molded material (figures 1-3) as recited in claim 12.

The second material includes an elastomeric cover that is molded to the rigid housing after the first material has cured, in which the examiner interprets the resilient elastomeric cap (24) attached to the upper flange to be an equivalent to the second material includes an elastomeric cover that is molded to the rigid housing after the first material has cured (figure1-3, 6-7 and 10-12) as recited in claim 16.

The claimed phrase of “having first material adhered to multiple surfaces of a second co-molded material”, “the elastomeric cover molded after housing is cured” and “the elastomeric cover and housing are cured simultaneously” are being treated as a product by process limitation, that is, that the first and second materials are co-molded together, the cover molded after housing cured, and cover and housing cured simultaneously. As set forth in MPEP 2113, product by process claims are NOT limited to the manipulations of the recited steps, only to the structure implied by the steps. Therefore, even if “the first and second materials are co-molded”, “the

elastomeric cover molded after housing is cured” and “the elastomeric cover and housing are cured simultaneously” results in different structural characteristics of the end product than other molding methods, it still would have been prima facie obvious at the time the invention was made to use “co-molded” materials in Cordell since Takano et al teaches that having materials co-molded together provides a non-slip grip for the user, protects the internal components from ambient conditions of use and enabling more effective use of the controller.

The first material is a rigid material selected from a group consisting of urethane, plastic, polyvinyl chloride, polyvinyl acetate and acrylic, in which the examiner interprets the housing (20) capable of being plastic as the first material of rigid material as recited in claim 17.

The second material is a flexible material selected from a group consisting of synthetic rubber, natural rubber and foam products, in which the examiner interprets the resilient elastomeric cap to be equivalent to the second material being a flexible material (figures 11-12) as recited in claim 18.

The extendable switch including first and second housing portions, in which the examiner interprets the item 20 and, wherein the first housing portion includes a first rigid material adhered to a relatively elastomeric material in position with respect to a portion of the cord (figures 1-2) and wherein the second housing portion includes a second rigid material positioned in substantially surrounding relationship with a different portion of the cord as recited in claim 63.

By having a relatively rigid housing defining a recessed portion and an elastomeric cover for a switch, one of ordinary skill in the art would protect the internal components of a switch from the ambient conditions of use.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Cordell to include a switch to have a relatively rigid housing defining a recessed portion therein and a relatively elastomeric cover disposed in the recessed portion of the housing, the elastomeric cover is adhered to the recessed portion of the housing, the recessed portion of the housing mechanically holds the cover in place, the housing includes a multi-piece housing having multiple pieces, the pieces are molded separately and wherein one of the pieces is co-molded with the cover, the multiple pieces each mechanically hold the cover in place, the elastomeric cover is molded to the rigid housing after the housing has cured, the elastomeric cover and housing are simultaneously cured, a first co-molded material adhered to multiple surfaces of a second co-molded material, the second material includes an elastomeric cover that is molded to the rigid housing after the first material has cured, the first material is a rigid material selected from a group consisting of urethane, plastic, polyvinyl chloride, polyvinyl acetate and acrylic, and the second material is a flexible material selected from a group consisting of synthetic rubber, natural rubber and foam products as taught by Takano et al to protect the internal components of a switch from the ambient conditions of use.

Regarding claims 12, 63 and 64, Takano et al is silent regarding the second co-molded material being substantially surrounding relationship with a portion of the cord. However, Takano et al does teach the flexible connector (90) comprising of a braided cable, which contains the electrical wiring for the buttons and devices of the console. It would have been obvious to one having ordinary skill in the art provide a second material substantially surrounding relationship with a portion of the cord to provide protection to the wiring and the housing from normal or excessive wear and tear.

6. Claims 21, 25-35, 36-40 and 65-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell (US Pub. 2004/0140617) in view of Hollowed (US 6,293,485).

7. Cordell discloses the following:

A cabinet including at least one operational button, in which the examiner interprets the buttons on the remote controller (14) to be equivalent to a cabinet including at least one operational button (figure 1), a game operable upon a wager (paragraph 0014), a processor operable to control the game (paragraph 0025), and a switch connected extendably and retractably to the cabinet via a cord and a spring, wherein the spring causes the switch and cord to retract into a retracted position, in which the examiner interprets the remote controller (14) capable of being extended upon the deposit of a wager and upon ending of a game or cashing out the controller retracting to be an equivalent to a switch connected extendably and retractably to the cabinet via a cord and a spring, wherein the spring causes

the switch and cord to retract into a retracted position (paragraphs 0030-0033) and the lock that operates the switch and cord in at least one extended position, wherein the switch and the at least one button are independently operable by the person when the switch and cord are moved into the retracted position, in which the examiner interprets upon activation of the gaming device the braking device (100) is deactivated and the remote controller (14) can be extended by a player to the comfort of a player and retracted to be an equivalent to the lock that operates the switch and cord in at least one extended position, wherein the switch *is positioned in substantially the same plane as* the at least one button of the cabinet when the switch and cord are moved into the retracted position (figures 1-2, 4 and paragraph 0031-0032; where the consol 262 of figure 4 can be removed but attached by the flexible connector and then retracted in back to the original position when play ends to be the switch *is positioned in substantially the same plane as* the at least one button of the cabinet when the switch and cord are moved into the retracted position) as recited in claims 21 and 65.

The spring is a coil spring that uncoils as the switch and cord are extended and recoils as the switch and cord are retracted (figure 2 and paragraphs 28-32) as recited in claim 25.

The spring and cord are attached to a rotating member that meters-out and rolls-up the cord when the switch and cord are extended and retracted, respectively (figure 2 and paragraphs 28-32) as recited in claim 26.

The electrical wires extending from within the cord attach electrically to the rotating member (figure 2 and paragraphs 28-32) as recited in claim 27.

The rotating member makes electrical contact with a stationary member via electrical traces provided on one of the members and at least one electrical connector provided on the other of the members (figure 2 and paragraphs 28-32) as recited in claim 28.

A strain relief cable attached to the member and the switch, the cable fixing substantially an overall length of the cord, in which the examiner interprets the braided cable to be an equivalent to a strain relief cable (figure 2 and paragraphs 28-32) as recited in claim 29.

A spring loaded pawl fixed translationally with respect to the ratchet, the pawl operable to lock the ratchet into a fixed rotational position, in which the examiner interprets the braking device (100) to be an equivalent to a spring loaded pawl fixed translationally with respect to the ratchet, the pawl operable to lock the ratchet into a fixed rotational position (figure 2 and paragraphs 28-32) as recited in claim 30.

The pawl is operable to lock the ratchet when the ratchet rotates in a cord extending direction but not lock the ratchet when the ratchet rotates in a cord recoiling direction, in which the examiner interprets the braking device (100) to be an equivalent to the pawl is operable to lock the ratchet when the ratchet rotates in a cord extending direction but not lock the ratchet when the ratchet rotates in a cord recoiling direction (figure 2 and paragraphs 28-32) as recited in claim 31.

The ratchet defines at least one area that is configured not to engage a locking member, the area operable to commence recoiling of the spring-loaded switch, in which the examiner interprets the braking device (100) to be an equivalent to the ratchet defines at least one area that is configured not to engage a locking member, the area operable to commence recoiling of the spring-loaded switch (figure 2 and paragraphs 28-32) as recited in claim 32.

The ratchet is arranged so that the non-engagement area is adjacent to the locking member when the switch is pulled to a fully extended position, in which the examiner interprets the braking device (100) to be an equivalent to the ratchet is arranged so that the non-engagement area is adjacent to the locking member when the switch is pulled to a fully extended position (figure 2 and paragraphs 28-32) as recited in claim 33.

A tension setting device operable to increase or decrease the force applied by the spring, in which the examiner interprets the braking device to be an equivalent to tension setting device operable to increase or decrease the force applied by the spring (paragraph 31-32) as recited in claim 34.

A locking member operable to be moved by a person to fix the tension setting device at a desired position (paragraph 31-32) as recited in claim 35.

A cabinet including at least one operational button, in which the examiner interprets the buttons on the remote controller (14) to be equivalent to a cabinet including at least one operational button (figure 1), a game operable upon a wager (paragraph 0014), a processor operable to



control the game (paragraph 0025), and a switch connected extendably and retractably to the cabinet via a cord a mechanism operable to enable the cord to be pulled by a person, in which the examiner interprets the remote controller capable of being extended upon the deposit of a wager and upon ending of a game or cashing out the controller retracting to be an equivalent to a switch connected extendably and retractably to the cabinet via a cord a mechanism operable to enable the cord to be pulled by a person, wherein when the switch and the cord are moved into the fully retracted position, the switch is (i) position directly adjacent to the at least one operational button and (ii) operable by the person, in which the examiner interprets the retracted control in figure 4 where one of the buttons on the remote controller to be an equivalent to wherein when the switch and the cord are moved into the fully retracted position, the switch is (i) position directly adjacent to the at least one operational button and (ii) operable by the person (figure 4) as recited in claim 36.

One of the extended positions is a fully extended position (figure 2 and paragraphs 28-32) as recited in claim 37.

The mechanism recoils the cord automatically to the fully retracted position unless reset at an intermediate position by the person (figures 2, 4 and paragraphs 28-32) as recited in claim 38.

The mechanism is spring activated (figure 2 and paragraphs 28-32) as recited in claim 39.

The multiple extended positions are first positions and which includes a plurality of second positions defined by the mechanism, each of the second positions operable to be self-maintaining when the switch is released from the person's grasp (figures 2, 4 and paragraphs 28-32) as recited in claim 40.

A cabinet including at least one operational button, in which the examiner interprets the buttons on the remote controller (14) to be equivalent to a cabinet including at least one operational button (figure 1), a game controlled by the at least one processor (paragraph 0025) and operable upon a wager (paragraph 0014 and 0032), and a switch connected extendably and retractably to the cabinet via a cord and a spring, in which the examiner interprets the remote controller capable of being extended upon the deposit of a wager and upon ending of a game or cashing out the controller retracting to be an equivalent to a switch connected extendably and retractably to the cabinet via a cord and a spring, wherein the spring causes the switch and cord to retract into a retracted position and the lock that operates the switch and cord in at least one extended position, wherein the switch and the at least one operational button are positioned in substantially the same plane when the switch and cord are moved into the retracted position, in which the examiner interprets upon activation of the gaming device the braking device (100) is deactivated and the remote controller (14) can be extended by a player to the comfort of a player and retracted to be an equivalent to the lock that operates the switch and cord in at least one

extended position to be an equivalent to the spring causes the switch and cord to retract into a retracted position and the lock that operates the switch and cord in at least one extended position, wherein the switch and the at least one operational button are positioned in substantially the same plane when the switch and cord are moved into the retracted position (figure 2, 4 and paragraph 0031-0032) as recited in claim 66.

The switch and the at least one operational button are positioned along substantially the same line when the switch and cord are moved into the retraced position (figure 4) as recited in claim 67.

A cabinet (figure 1), a game controlled by the at least one processor and operable upon a wager (paragraph 0014 and 0032), and a switch including a plurality of operational buttons the switch connected extendably and retractably to the cabinet via a cord and a mechanism operable to enable the cord to be pulled by a person, in which the examiner interprets the remote controller with the buttons capable of being extended upon the deposit of a wager and upon ending of a game or cashing out the controller retracting to be an equivalent to a switch including a plurality of operational buttons the switch connected extendably and retractably to the cabinet via a cord and a mechanism operable to enable the cord to be pulled by a person, wherein only one of the operational buttons is operable by the person when the switch and cord are in the retracted position, in which the examiner interprets one of the buttons on the remote controller during a pause in play to be an equivalent to wherein only one of the operational buttons is

operable by the person when the switch and cord are in the retracted position and wherein the operational buttons are operable by the person when the switch and the cord are in the multiple extended positions, in which the examiner interprets the buttons on the remote controller when extended to be an equivalent to wherein the operational buttons are operable by the person when the switch and the cord are in the multiple extended positions (figures 1-4) as recited in claim 68.

Cordell does not expressly disclose the following:

A switch connected extendably and retractable to the cabinet via a ratchet and the ratchet operates to lock the switch and cord in at least one extended position as recited in claims 21 and 65.

A mechanism operable to enable the cord to be pulled by a person to multiple predetermined extended positions defined by the mechanism and then released by the person, wherein the cord in each of the extended position will thereafter recoil automatically as recited in claims 36 and 68.

A ratchet including a plurality of co-acting teeth configured in pairs to define a plurality of notches and the ratchet operates to lock the switch and cord in at least one extended position as recited in claim 66.

Hollowed teaches the following:

A switch connected extendably and retractable to the cabinet via a ratchet (col. 8, lines 19-53) and the ratchet operates to lock the switch and cord in at least one extended position (summary and figure 4) as recited in claims 21 and 65.

A mechanism operable to enable the cord to be pulled by a person to multiple predetermined extended positions defined by the mechanism and then released by the person, wherein the cord in each of the extended position will thereafter recoil automatically (summary) as recited in claim 36.

A ratchet including a plurality of co-acting teeth configured in pairs to define a plurality of notches and the ratchet operates to lock the switch (col. 8, lines 19-53) and cord in at least one extended position (summary) as recited in claim 66.

By having a ratchet as a braking device and a mechanism operable to enable the cord to be pulled by a person to multiple predetermined extended positions defined by the mechanism, one of ordinary skill in the art would provide a user to extend and retract a controller or the like to a desire length without exceeding the maximum length of the cord.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Cordell to include a switch connected extendably and retractable to the cabinet via a ratchet and the ratchet operates to lock the switch and cord in at least one extended position and a mechanism operable to enable the cord to be pulled by a person to multiple predetermined extended positions defined by the mechanism and then released by the person, wherein the cord in each of the extended position will thereafter recoil automatically as taught by Hollowed to provide a user to extend and retract a controller or the like to a desire length without exceeding the maximum length of the cord.

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8. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell (US Pub. 2004/0140617) in view of Hollowed (US 6,293,485) as applied to claim 21 above, and further in view of Takano et al. (US 5,382,767).

9. Cordell in view of Hollowed further disclose the following:

The switch operable with the processor to control a function of the game, in which the examiner interprets the buttons on the remote controller (12) to be an equivalent to the switch operable with the processor to control a function of the game (figure 1 and paragraphs 0025 and 0028) as recited in claim 22.

The function is selected from the group consisting of: a play function, a bet increment function, a max-bet function, a repeat the bet function, and a cash out function (paragraph 28 and figure 1) as recited in claim 23.

Cordell in view of Hollowed disclose the claimed invention as discussed above except for the following:

The switch includes a relatively rigid housing and a relatively elastomeric cover disposed on the housing as recited in claim 22.

The elastomeric cover is disposed on the housing via adhesion, mechanically or via a molding process as recited in claim 24.

Takano et al teaches the following:

The switch includes a relatively rigid housing (figures 1-2) and a relatively elastomeric cover disposed on the housing, in which the examiner

interprets the resilient elastomeric cap (24) to be an equivalent to a relatively elastomeric cover disposed on the housing as recited in claim 22.

The elastomeric cover is disposed on the housing via adhesion, mechanically or via a molding process, in which the examiner interprets the resilient elastomeric cap to be an equivalent to the elastomeric cover is disposed on the housing via adhesion, mechanically or via a molding process (figure 1-2) as recited in claim 24.

By having elastomeric material disposed on the housing, one of ordinary skill in the art would protect the internal components of a switch from the ambient conditions of use.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Cordell to further include a relatively elastomeric cover disposed on the housing and the elastomeric cover is disposed on the housing via adhesion, mechanically or via a molding process as taught by Takano et al to protect the internal components of a switch from the ambient conditions of use.

### ***Response to Arguments***

10. Applicant's arguments filed November 13, 2006 have been fully considered but they are not persuasive.

Applicant contends that cited references do not disclose a switch having a relatively rigid housing that defines a U-shaped cavity therein. The switch also has a relatively elastomeric cover that is substantially disposed in the U-shaped cavity of the housing.

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The examiner noted above that the specification as originally filed does not disclose nor teach a rigid housing defining a U-shaped cavity therein and an elastomeric cover substantially disposed in the U-shaped cavity of the housing. The examiner request applicant to point out in the specification as originally filed the claimed limitation. However, Takano et al teaches a U-shaped cavity therein and an elastomeric cover substantially disposed in the U-shaped cavity of the housing as noted in the office action.

Applicant contends that the cited reference do not disclose an extendable switch ahs a first co-molded material adhered to multiple surfaces of a second co-molded material in a substantially surrounding relationship with a portion of the cord.

The examiner noted that Takano et al is silent regarding the second co-molded material being substantially surrounding relationship with a portion of the cord. However, Takano et al does teach the flexible connector (90) comprising of a braided cable, which contains the electrical wiring for the buttons and devices of the console. It would have been obvious to one having ordinary skill in the art provide a second material substantially surrounding relationship with a portion of the cord to provide protection to the wiring and the housing from normal or excessive wear and tear.

Applicant contends that the Cordell reference do not disclose a cabinet including at least one button operable by a person and a switch position in substantially the same plane as the at least one button of the cabinet when the switch is moved into a retracted position.

The examiner respectfully disagrees. Cordell in figure 4 teach the console (262) can be removed from the slot-type machine but attached to a flexible connector. Regardless if one button or the entire panel of control buttons is removed from the game machine the functions of controlling the gaming machine does not change and the at least one button will be in the same plane as the other buttons when retracted. Giving the claims there broadest reasonably



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interpretation, the cited references disclose a cabinet and a button that extends and retracts and the claimed invention discloses a cabinet and a switch that extends and retracts. The only difference between the claimed invention and the cited prior art are the aesthetic designs of the switch.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AM  
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